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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/263,812   | 03/08/1999  | WILLIAM G. MILLER    | I-1                 | 2262             |
| 7590   | 02/13/2004  |                      | EXAMINER            |                  |
| Mr. William G Miller<br>LOOKING GLASS CAFE<br>2555 Pennsylvania Avenue, N.W.<br>#802<br>Washington, DC 20037 |             |                      | ENG, GEORGE         |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2643                | 23               |
| DATE MAILED: 02/13/2004  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/263,812             | MILLER ET AL.       |  |
| <b>Examiner</b>              | <b>Art Unit</b>        |                     |  |
| George Eng                   | 2643                   |                     |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 December 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4,7-10,13,14,16 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4,7-10,13,14 and 16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. <u>23</u>  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

1. The previous Office action is vacated because a plurality of journals, related to the claimed invention, are found during an update search.

***Claim Objections***

2. Claim 9 is objected to because of the following informalities: claim 9, line 13, "the phrase "and/or" should be --and-- in order to clarify the claimed limitations. Appropriate correction is required.
3. Claim 20 is objected to because of depending on the cancelled claim 11. Accordingly, the claim 20 has not been further treated on the merits.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

Art Unit: 2643

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-2, 4, 7-10, 13-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Journal number 1012824 ("Chicago's Very Own Blues Return Home for the Grand Opening of House of Blues-Chicago" hereinafter Article 1) and Journal number 1676559 ("Coffeehouses, Eateries Get Interactive" hereinafter Article 2).

Regarding claim 1, Article 1 discloses House Of Blues has several chain restaurants located in different geographic locations, such as House Of Blues-Chicago and House of Blues-Cambridge, Massachusetts, wherein each House Of Blues comprises a plurality of booths being located in an open area sized to accommodate movement of restaurant workers and patrons, which the plurality of booths are open to each other to promote a restaurant interactive social atmosphere, and each of the plurality of booth has high speed internet access, access to cable or satellite TV, access to computer games and programs and access to productively tools and resources, wherein the booths in each of chain restaurants contain videoconferencing equipment that is part if the restaurant and which enable to videoconference anywhere in the world, and each booths obviously has a table with a plurality of seating areas being arranged so that viewing screen is sized and located to be visible from the plurality of seating area and the table sized to accommodate serving a meal to a plurality of individuals in the seating area (the whole article). Note while Article 2 discloses House of Blues at various restaurant sites allowing customers requesting videoconference to interact with patrons at all of the chain location so that it

Art Unit: 2643

recognizes the number of booths in each of the restaurants located in different geographic locations being connected via a private network providing both videoconferencing between booths in different geographic locations (the whole article). Thus, the combination of article 1 and article 2 teaches the claimed limitations except of a point of sale system being connected to track and charge use of multimedia access and videoconferencing by patrons in each booth. However, House of Blues' mission is to create a profitable, principled, global entertainment company to celebrate the diversity and brotherhood of world culture so that it recognizes the booths in each of the restaurants are connected to a point of sale system for tracking and charging use of the multimedia access and videoconferencing by patrons in each booth in order to increase the revenue. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify House of Blues in having all the booths in each of the restaurants are connected to a point of sale system for tracking and charging use of the multimedia access and videoconferencing by patrons in each booth in order to increase the revenue.

Regarding claim 2, article 1 discloses that the booths of the first geographic location, i.e., House of Blues-Cambridge, Massachusetts, are in a different time zone from the booths in the second geographic location, i.e., House of Blues-Chicago.

Regarding claim 4, article 2 discloses each booth has access to both cable TV and satellite TV (page 3).

Regarding claims 7-8, both article 1 and article 2 teach each location including at least one room having capability with a room or booth in a different location so that each locations has computer stations with videoconferencing capability in addition to the rooms and booths.

Regarding claim 9, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 10, the limitations of the claim are rejected as the same reasons set forth in claim 2.

Regarding claims 13-14, the limitations of the claim are rejected as the same reasons set forth in claims 7-8.

Regarding claim 16, both article 1 and article 2 teach multiple parties interact at each booth for one of social and business pleasure in a public setting.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Document ID 16616546 teaches Apples cafes that will serve up international cuisine and access to the Internet, as well as videoconference with other tables at other Apple cafes (abstract). Pena (US PAT. 6,292,211) discloses a computer-aided telecommunication system having a technician at the location of a subscriber helping to set up a videoconference with a remote party so that it allow the subscriber who may not have sophisticated computer skills or state-of-the-art computer equipment of their own to perform a visual communication (col. 3 line 39 through col. 7 line 16).

### *Conclusion*

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

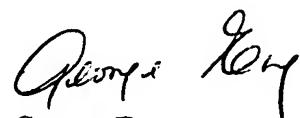
(703) 872-9306 (for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

  
George Eng  
Primary Examiner  
Art Unit 2643